

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

JANICE STEARNS

Plaintiff,

v.

Case No: 2:17-cv-02407-SHL-cgc

FORD MOTOR COMPANY, et al

Defendants.

REPORT AND RECOMMENDATION

On July 11, 2017, defendants Crystal Fergason and Kendra Fussell filed a Motion to Dismiss. (D.E.# 16.) Pursuant to Local Rule 12.1 “[a] party opposing a motion to dismiss must file a response within 28 days after the motion is served.” To date, Plaintiff has not filed a response to the motion.

In an order entered on September 18, 2017, the Court ordered the Plaintiff to show cause why the undersigned should not file a Report and Recommendation recommending that the Motion to Dismiss should be granted. (D.E. # 19) Plaintiff has not complied with that order and the time set for compliance has expired.

The September 18, 2017 Order provided, in pertinent part, that “[f]ailure to comply with this order in a timely manner will result in recommendation that this action be dismissed pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute.” *Id.* See also, *Taman v. Chertoff, et al*, 07-cv-2247-SHM-dkv, Order of Dismissal (D.E. # 4) April 30, 2008. It is therefore

RECOMMENDED that Plaintiff's complaint be DISMISSED, pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute.

Signed this 8th day of November, 2017.

s/ Charmiane G. Claxton
CHARMIANE G. CLAXTON
UNITED STATES MAGISTRATE JUDGE

ANY OBJECTIONS OR EXCEPTIONS TO THIS REPORT MUST BE FILED WITHIN FOURTEEN (14) DAYS AFTER BEING SERVED WITH A COPY OF THE REPORT. 28 U.S.C. § 636(b)(1)(C). FAILURE TO FILE SAID OBJECTIONS OR EXCEPTIONS WITHIN FOURTEEN (14) DAYS MAY CONSTITUTE A WAIVER OF OBJECTIONS, EXCEPTIONS, AND ANY FURTHER APPEAL.